THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.8119 OF 2005

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ORDER :

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents 1 & 3 to 7 in considering the applications dated 30-03-2005 made by the petitioner and taking appropriate action to preserve the rights of the petitioners in respect of the land to an extent of Ac.31-22 guntas situated in Sy.Nos.154 to 158 of Kapra Village, Keesara Mandal, R.R. District.

It is stated that one Donkena Rama Swamy was recorded as the protected tenant of the lands in question. It appears that there were some rival claims and ultimately by order dated 30-06-2003 the Mandal Revenue Officer, Keesara granted Succession Certificate in favour of Donkena Bhaskar and others who claim to be the grandchildren of the original protected tenant. Challenging the said order, the 8th respondent herein filed an Appeal before the Joint Collector, R.R. District. It is claimed that the 8th respondent Society purchased the land in question from the land holders as well as the tenants and subsequently the land was converted into plots and the sale deeds were also executed in favour of the Members of the Society. It is also their claim that at their instance the land use was changed from conservation use to residential use under the provisions of the A.P. Urban Areas (Development) Act, 1975.

The petitioner who claims that his family is the pattedar of the lands in question sought to implead himself as a party to the Appeal pending before the Joint Collector. However, it appears that without considering his case, the Appeal was disposed of by order dated 21-12-2004. Against the said order, two Revision Petitions were filed under Section 91 of A.P. Telangana Area Tenancy and Agricultural Lands Act, 1950 which were allowed by this Court by order dated 11-03-2005 and the matter was remitted back to the Joint Collector, Rangareddy district for

consideration afresh. It is not in dispute that the said appeal is now pending before the 2nd respondent – Joint Collector, R.R. District.

The petitioner alleges that the 8th respondent Society is making hectic efforts to alter the nature of the lands by laying the roads and etc. which would adversely affect the identity as well as the defence available to the petitioner. It is alleged that when the representative of the petitioner raised an objection, he was assaulted and was also warned of dire consequences by the representatives of the 8th respondent Society. Apprehending serious law and order problem, the petitioner made a representation to the 1st respondent – Station House Officer, Kushaiguda P.S. on 30-03-2005. He also made a representation to the respondents 2 to 7 to prevent the 8th respondent from making any constructions and for other reliefs. It is stated that though he made an application before the 2nd respondent – Joint Collector seeking stay pending the Appeal, the office of the 2nd respondent refused to receive the same. Hence, this writ petition seeking a Writ of Mandamus directing the respondents 1 & 3 to 7 to consider and dispose of his applications and to take the necessary steps to preserve his rights in respect of the land in question.

I have heard the learned Counsel for the petitioner as well as the learned Counsel for 8th respondent.

It is clear that both the petitioner as well as the 8th respondent Society are claiming rights in respect of the land in question. The petitioner herein makes several allegations against the 8th respondent Society and on that ground seeks directions to the respondents 1 & 3 to 7 and also contends that it is necessary for all the parties to maintain Status Quo till the Appeal before the 2nd respondent is disposed of.

Now that the matter is remitted back and the Appeal is pending before the 2nd respondent and particularly keeping in view the nature of the controversy involved and in the absence of all the necessary parties, I am not inclined to express any opinion on merits, much less to grant an order of Status quo pending the Appeal

before the 2nd respondent. It is always open to the petitioner to seek such a relief before the 2nd respondent. Having regard to the plea of the petitioner that though he made such an application, the same was not entertained by the office of the 2nd respondent, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to make an appropriate application before the 2nd respondent within a period of one week from today. If any such application is made, the same shall be entertained and disposed of by the second respondent after hearing all the parties and appropriate orders be passed in accordance with law as expeditiously as possible preferably within a period of two weeks from the date of filing of such application.

The Writ Petition is accordingly disposed of. No costs.

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April, 2005.

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